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PTO/SB/21 (09-04)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/539,256	
	Filing Date	(Int'l) November 25, 2003	
	First Named Inventor	Matthias WIESNER	
	Art Unit	1626	
	Examiner Name	S. Young	
Total Number of Pages in This Submission	8	Attorney Docket Number	613242000800

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address (1 page)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Statement Under 37 CFR 3.73(b) (1 page) Copy of Assignment from inventors to Merck (1 page) Copy of Assignment from Merck to Tioga (4 pages) Return Receipt Postcard
Remarks		CUSTOMER NO. 25225

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James J. Mullen III, Ph.D.		
Date	September 13, 2006	Reg. No.	44,957

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: September 13, 2006	Signature:  (Diane Blevins)



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## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

- ☒ Practitioners associated with the Customer Number: 25225  
**OR**  
☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

- ☒ The address associated with Customer Number: 25225

**OR**

☐ Firm or Individual Name

Address

City	State	Zip
Country	Telephone	Email

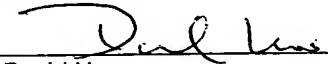
Assignee Name and Address:

Tioga Pharmaceuticals, Inc.  
c/o Forward Ventures  
9393 Towne Centre Drive, Suite 200  
San Diego, California 92121

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	8/24/06
Name	David Urso	Telephone	(858) 677-6077
Title	Chief Business Officer		



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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Matthias WIESNER, et al.

Application No./Patent No.: 10/539,256 Filed/Issue Date: (Int'l) November 25, 2003

Entitled: ASIMADOLINE DERIVATIVES COMPRISING COVALENTLY BONDED ACIDS

Tioga Pharmaceuticals, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Matthias WIESNER and Christoph SEYFRIED To: Merck Patent Gesellschaft mit Beschränkter Haftung  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

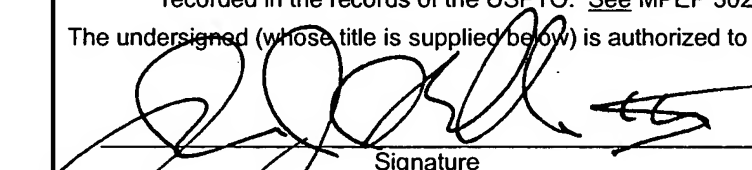
2. From: Merck Patent GmbH To: Tioga Pharmaceuticals, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
\_\_\_\_\_  
Signature  
James J. Mullen III, Ph.D.  
Printed or Typed Name  
Authorized Signer for Assignee  
\_\_\_\_\_  
Title

\_\_\_\_\_  
September 13, 2006  
Date  
(858) 720-7940  
Telephone Number

# ASSIGNMENT

ATTY. DOCKET NO.:

WHEREAS the below named inventor (if only one inventor is named below) or inventors (if plural inventors are named below) hereinafter referred to as the ASSIGNOR invented a certain improvement(s) relating to

## DERIVATIVES OF ASIMADOLINE WITH COVALENTLY BONDED ACIDS

- ☐ for which an application for Letters Patent to be filed in the United States Patent and Trademark Office was executed on even date.
- ☐ for which U.S. Application Serial No. \_\_\_\_\_ for Letters Patent was filed in the U.S. Patent and Trademark Office on \_\_\_\_\_
- ☒ for which an International Application was filed on 25 Nov. 2003 as PCT/EP2003/013206, designating the United States.

AND WHEREAS

MERCK PATENT GESELLSCHAFT  
MIT BESCHRÄNKTER HAFTUNG  
Darmstadt, Germany

hereinafter referred to as the ASSIGNEE, is desirous of acquiring the entire right, title, and interest in and to said invention and application(s), including any and all earlier priority rights (U.S. and foreign), divisions and continuations thereof, and any and all Letters Patent which may be granted thereon, including any and all renewals, reissues, reexaminations and extensions thereof.



NOW, WITNESSETH that for good and valuable consideration, the receipt whereof is hereby acknowledged, ASSIGNOR hereby assigns, sells, and transfers to ASSIGNEE, its assigns and legal representatives, the entire and exclusive right, title and interest in and to said invention and application(s), including any and all divisions and continuations thereof, and any and all Letters Patent which may be granted therefor, including any and all renewals, reissues, reexaminations and extensions thereof, and in and to any and all U.S. (including provisional) or foreign priority and/or convention rights or benefits accruing or to accrue with respect to the filing or securing of patents in the United States and/or any countries foreign thereto concerning said invention, SAID ASSIGNEE, its assigns and legal representatives to have, hold, exercise, and enjoy said invention and application, including any and all earlier priority rights (U.S. and foreign), divisions and continuations thereof, and any and all Letters Patent which may be granted therefor, including any and all renewals, reissues, reexaminations and extensions thereof, with all the rights, powers, privileges and advantages in anywise arising from or appertaining thereto, for and during the term or terms of any and all such Letters Patent when granted, including any and all renewals, reissues, reexaminations and extensions thereof, for the use and benefit of ASSIGNEE and its assigns and legal representatives, in as ample and beneficial a manner to all intents and purposes as the ASSIGNOR might or could have held and enjoyed the same, if the assignment had not been made.

AND ASSIGNOR hereby agrees to execute all papers that may be necessary to file applications in the United States and foreign countries for said invention and to assign the same to said ASSIGNEE, its assigns and legal representatives and to execute any other papers that may be needed in connection with filing said applications and securing Letters Patents thereon.

AND ASSIGNOR authorizes and requests the Commissioner of Patents and Trademarks to issue a Letters Patent on said application, and on any and all divisions and continuations thereof, to ASSIGNEE, its assigns and legal representatives, in accordance herewith.

The undersigned hereby grant(s) the law firm of Millen, White, Zelano & Branigan, P.C. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF this assignment is executed by ASSIGNOR

201 FULL NAME OF SOLE OR FIRST NAMED INVENTOR	INVENTOR'S SIGNATURE	DATE
Matthias Wiesner		19 April 2005
202 FULL NAME OF SECOND JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Christoph Seyfried		19 April 2005
203 FULL NAME OF THIRD JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
204 FULL NAME OF FOURTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
205 FULL NAME OF FIFTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
206 FULL NAME OF SIXTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
207 FULL NAME OF SEVENTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
208 FULL NAME OF EIGHTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
209 FULL NAME OF NINTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
210 FULL NAME OF TENTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE

## ASSIGNMENT

THIS ASSIGNMENT, by Merck Patent GmbH on behalf of Merck KGaA (hereinafter referred to as the assignor), both companies organized under the laws of Germany with their principal places of business at Frankfurter Strasse 250, D-64293 Darmstadt, Germany, witnesseth:

WHEREAS, said assignor is the sole and exclusive owner by assignment, of the U.S. Patents and applications for Letters Patent of the United States, PCT applications, and foreign priority applications, the Patent and application serial numbers of which are listed on Exhibits A – H, attached hereto; and

WHEREAS, Tioga Pharmaceuticals, Inc., a corporation organized under the laws of Delaware, and having its principal place of business at c/o Forward Ventures, 9393 Towne Centre Drive, Suite 200, San Diego, California 92121 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, PCT applications, and foreign priority applications, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of and in exchange for the sum of Ten Dollars (\$10.00) to be paid by assignee and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor hereby ratifies and confirms that it has sold, assigned, transferred and set over, and by these presents further does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever

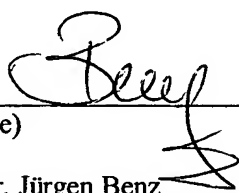
counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

Assignor hereby grants to the law firm of Morrison & Foerster the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this assignment.

August 15, 2006  
Date


Merck Patent GmbH

i.v.  
By   
(signature)

Name Dr. Jürgen Benz  
(printed)

Title Senior Patent Advisor

Witness

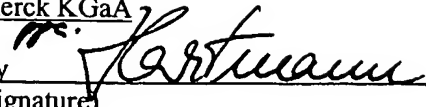
i.v.  
By   
(signature)

Name Dr. Colin Kahrs  
(printed)

Title Senior Patent Advisor

August 15, 2006  
Date

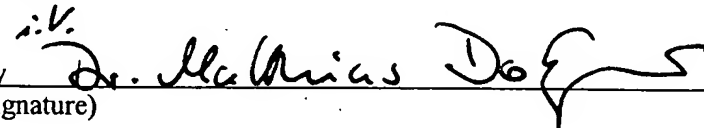
Merck KGaA

By   
(signature)

Name Dr. Arno Hartmann  
(printed)

Title Head of Patents Pharmaceuticals (Senior Director)

Witness


By   
(signature)

Name Dr. Matthias Dotzauer  
(printed)

Title authorized employee (Senior Patent Advisor)

August 15, 2006  
Date


Tioga Pharmaceuticals, Inc.

By   
(signature)

Name David Urso  
(printed)

Title Chief Business Officer

Witness

By   
(signature)

Name David T. Kashni  
(printed)

Title



Attorney Docket No. 613242800000

EXHIBIT G

The patents and applications that are being assigned from Merck Patent GmbH to Tioga Pharmaceuticals, Inc. are:

Application No.	Patent No.	Filing Date	Title
USSN 10/539,256	Pending	June 16, 2005	ASIMADOLINE DERIVATIVES COMPRISING COVALENTLY BONDED ACIDS
PCT/EP2003/013206	----	November 25, 2003	ASIMADOLINE DERIVATIVES COMPRISING COVALENTLY BONDED ACIDS
DE 102 59 245.4	----	December 17, 2002	